

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DARTAGNAN ANDRADE,)
A 035 651 802)
Petitioner,)
)
v.) CIVIL ACTION NO. 11-10300-GAO
)
SHERIFF JOSEPH D. McDONALD, Jr.,)
Respondent.)
)

MEMORANDUM AND ORDER FOR DISMISSAL

O'TOOLE, D.J.

On February 18, 2011, Petitioner Dartagnan Andrade ("Andrade"), an immigration detainee at the Plymouth County House of Correction, filed a *pro se* § 2241 habeas petition contending his continued detention is in violation of his due process rights as articulated by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001).

Along with the habeas petition, Andrade filed a Motion for Leave to Proceed *in forma pauperis*. On February 28, 2011, a Memorandum and Order (Docket No. 3) issued denying Andrade's motion without prejudice to renew within 21 days, or in the alternative, Andrade could pay the \$5.00 filing fee. The habeas petition was not served pending resolution of the filing fee issue.

To date, Andrade has failed to pay the \$5.00 filing fee or file a renewed *in forma pauperis* motion as directed, and the time period for doing so has expired.

Accordingly, for the failure of Andrade to satisfy the filing fee requirements of this Court, and the failure to comply with the directives contained in the Memorandum and Order

(Docket No. 3), it is hereby Ordered that this action is DISMISSED without prejudice in its entirety.

SO ORDERED.

/s/ George A. O'Toole, Jr.
GEORGE A.O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

DATED: March 30, 2011